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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 6,985,255,)	
issued January 10, 2006	:	Examiner: Jerome Grant II
TOSHIAKI SAITO)	
	:	Art Unit: 2626
Appln. No.: 09/867,472)	
	:	
Filed: May 31, 2001)	Confirmation No. 7632
	:	
For: IMAGE COMMUNICATION)	
APPARATUS AND ITS	:	
CONTROL METHOD)	March 9, 2006

Mail Stop: Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Sir:

Patentee hereby requests the Commissioner under 37 C.F.R. § 1.705(d) for reconsideration and recalculation of the Patent Term Adjustment (PTA) for the above-identified Patent. A check in the amount of \$200.00 in payment of the fee associated with this request is enclosed. Please charge any additional fee and credit any overpayment to our Deposit Account 06-1205.

For at least the following reasons, this Patent is believed to be entitled to a
PTA of 913 days.

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FACTS

- (1) The subject Patent issued from Application No. 09/867,472 ('472 application), filed on May 31, 2001.
- (2) The subject Patent is not subject to any terminal disclaimers.
- (3) Pursuant to 37 C.F.R. § 1.705(b) and (d), reconsideration of the determinations regarding the patent term adjustment (PTA) made for the period prior to the July 29, 2005 mailing date of the Notice of Allowance is not requested.
- (4) The Patent Application Information Retrieval (PAIR) system indicates a U.S. Patent and Trademark Office (PTO) delay period of 2 days for a period from January 8, 2006 to January 10, 2006. Patentee does not dispute this determination.
- (5) The PAIR system indicates an Applicant-Delay period of 59 days for an "Information Disclosure Statement" filed on August 22, 2005. Patentee disputes this determination.

ARGUMENT

- (6) It is respectfully submitted that the PTO incorrectly treated the Request for Acknowledgment of Consideration of Previously Cited Art filed on August 22, 2005 as an "Information Disclosure Statement", and wrongly assessed 59 days of Applicant Delay.
- (7) 37 C.F.R. § 1.704(a) provides that "[t]he period of adjustment of the term of a patent under § 1.703(a) through (e) shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution (processing or examination) of the application."
- (8) Patentee filed an Information Disclosure Statement on March 22, 2004 with a Form PTO-1449 listing seven documents. The Examiner subsequently issued

an Office Action mailed February 24, 2005, but did not attach the Form PTO-1449, initialed to indicate consideration of the references cited in the March 22, 2004 Information Disclosure Statement. This matter was brought the Examiner's attention at the first available opportunity, in the Amendment filed June 21, 2005.

(9) In the next paper issued by the Examiner subsequent to the filing of the June 21, 2005 Amendment, which was the Notice of Allowance, no response was provided to Patentee with respect to the Form PTO-1449. Due to this failure, Patentee again requested, in a Request for Acknowledgment of Consideration of Previously Cited Art (Request for Acknowledgment) filed August 22, 2005, that a copy of this form, with each document initialed, as required by MPEP § 609, be returned to Patentee.

(10) Since Patentee requested proper processing of the Form PTO-1449 in the response to the only Office Action on the merits issued prior to the mailing of the Notice of Allowance, the request included in the Request for Acknowledgment filed after the mailing of the Notice of Allowance cannot be considered a "failure to engage in reasonable efforts to conclude processing or examination of an application" under 37 C.F.R. § 1.704(c)(10).

(11). In view of the above, it is clear that the August 22, 2005 filing of the Request for Acknowledgment should not cause any reduction in PTA. The filing of this Request for Acknowledgment was necessitated by the Office's failure to process correctly the '472 application, which issued as the subject patent.

RELIEF REQUESTED

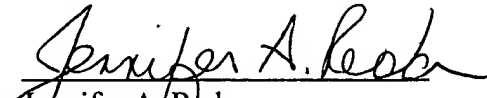
Reconsideration of the patent term adjustment is respectfully requested, in which the reduction of 59 days associated with the "Information Disclosure Statement"

filed on August 22, 2005 be adjusted to 0 days. It is, therefore, requested that the patent term adjustment be recalculated and adjusted to 913 days.

CONCLUSION

Patentee's undersigned attorney may be reached in our New York, office by telephone at (212) 212-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


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